

WOLLBRAND et al
Serial No. 09/870,945

Atty Dkt: 2380-317
Art Unit: 2664

REMARKS/ARGUMENTS

Reexamination of the captioned application is respectfully requested.

A. SUMMARY OF THIS AMENDMENT

By the current amendment, Applicants basically:

1. Editorially amend the specification.
2. Respectfully traverse all prior art rejections.
3. Advise the Examiner of the simultaneous filing of Proposed Drawing Changes to correct the reference numeral 40_{SYNC} in Fig. 2A (see the Replacement Sheet attached at the end of this Amendment).
4. Advise the Examiner of the simultaneous filing of a Petition to Extend.

B. PATENTABILITY OF THE CLAIMS

Claims 1-34 37-50 stand rejected under 35 USC §103(a) as being unpatentable over U.S. Patent 6,834,053 to Stacey et al in view of U.S. Patent 6,097,722 to Graham et al. Claims 35 and 36 stand rejected under 35 USC 103(a) as being unpatentable over U.S. Patent 6,834,053 to Stacey et al and U.S. Patent 6,097,722 to Graham et al as applied to claims 1-34 and 37-50 above and further in view of U.S. patent 6,760,335 to Anderson et al. All prior art rejections are respectfully traversed.

Each of Applicants' independent claims 1, 11, 24, and 41 refer explicitly to AAL2 path groups which comprise (or are formed by) plural AAL2 paths. Further, each independent claim stipulates that connections are admitted based on available bandwidth of the AAL2 path group rather than available bandwidth of an individual AAL2 path.

The Office Action initially points to the primary applied reference, U.S. Patent 6,834,053 to Stacey et al, as disclosing a method of managing ATM traffic. The Office Action properly admits that Stacey fails to disclose numerous claim limitations, including

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those paraphrased in the preceding paragraph of these remarks. The office action proceeds to allege that U.S. Patent 6,097,722 to Graham et al teaches the claim limitations for which Stacey is silent, to allege that Graham is combinable with Stacey, and to allege further that Stacey discloses certain subject matter of Applicants' dependent claims.

Applicants submit that U.S. Patent 6,097,722 to Graham et al does not teach or suggest the claim limitations admittedly absent from Stacey, and believe that further consideration of the specific claim language and the Graham disclosure will provide the Examiner with insight sufficient to remove the rejections formulated in this Office Action.

Likely the Graham reference was noted in search because of its alluring language such as "virtual path group" and admission control. Graham does provide a mechanism for permitting a client to "borrow" additional bandwidth from a provider when the client's needs exceed a contracted (service agreement) amount, a situation Graham describes as "over-reserved". *See*, e.g., col. 7:63+. However, Graham's concept of resizing or adjusting the bandwidth of a virtual path and/or a virtual path group are inimical to the AAL2 technology utilized by Applicants.

As mentioned above, Applicants' paths and path groups are AAL2 paths and AAL2 path groups. Graham's paths and path groups are not AAL2 paths or path groups, but instead appear to be configured from the perspective of contractual agreement with a client. *See*, e.g., col. 12:1+ and Fig. 6, wherein client A has "virtual path group" 601 comprising virtual paths 603 – 606, each for a different type of connection (e.g., CBR, VBR,...). In Graham, the "size of each virtual group of virtual paths is dependent upon the terms and conditions within the service contract agreement between a client and the carrier" (col. 11:1+ and 11:11+).

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Aside from using a differently conceptualized type of path and path group, Graham thus does not teach or endeavor to control connection admission based on AAL2 path group bandwidth. Graham is preoccupied with service contract provisions and permitting a client to "over-reserve". In fact, Graham is so zealous to permit "over-reservation" that the only bandwidth check appears to be the capacity of an interface link (see, e.g., col. 11, lines 25-29 and col. 13, lines 43 – 59). Never does Graham make an admission decision based on bandwidth of virtual path group, as misnomered as it may be relative to Applicants' AAL2 path group. The illustration of Graham's Fig. 4A etc. with showing an "expansible" VP group (see the bidirectional arrows and the paragraph bridging col. 10 and 11) militates against Graham making any suggestion of basing admission control on path group bandwidth.

Grahams failure to teach admission control on path group bandwidth, and Graham's total incompatibility with AAL2 protocol, completely defeat the entire rejection. While Applicants would and do reserve right to advocate merit of other claimed subject matter and dependent claims, such does not seem necessary at this time in view of the defects in the present rejections.

C. MISCELLANEOUS

In view of the foregoing and other considerations, all claims are deemed in condition for allowance. A formal indication of allowability is earnestly solicited.

The Commissioner is authorized to charge the undersigned's deposit account #14-1140 in whatever amount is necessary for entry of these papers and the continued pendency of the captioned application.

Should the Examiner feel that an interview with the undersigned would facilitate allowance of this application, the Examiner is encouraged to contact the undersigned.

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Respectfully submitted,
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AMENDMENTS TO THE DRAWINGS:

Please replace the sheet of Fig. 2A with the Replacement Sheet which appears attached as the last page of this Amendment.